



DEPARTMENT OF STATE

Washington, D.C. 20520

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September 12, 1970

INFORMATION MEMORANDUM

SUBJECT: Status of International Action Re Hijacking

At present there are United States initiatives in the following areas, in addition to attempts to free the hostages in Jordan and the Security Council action on hijacking taken this week:

(i) Tokyo Convention. This convention provides inter alia for the prompt return of the hijacked aircraft, passengers and crew. The ICAO Assembly and UNGA have passed resolutions urging States to become parties. ICAO Assemblies have also called upon States to put this provision of the Convention into effect even before becoming parties. The United States and 28 other countries are parties to the Tokyo Convention now. Argentina has just ratified but not deposited its instrument of ratification.

(ii) Hijacking Convention. A conference of governments is scheduled to begin December 1 at The Hague to consider the Legal Committee draft convention on unlawful seizure which provides for the extradition or punishment of hijackers. As drafted, it should have widespread acceptance. The June ICAO Assembly recommended the addition of an article providing for reports to the ICAO Council on seizure incidents, including disposition of the offender. In addition, in view of recent events some further strengthening may be possible, e.g., priority in extradition to the State of registration, presumption that hijacking is a common crime, clearer obligation to prosecute.

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(iii) Other Acts Convention. The ICAO Legal Committee meets in London beginning September 29 to prepare a convention to punish acts of violence other than hijacking against civil aircraft. It looks like this convention will be largely patterned on the Hijacking Convention (in order to expedite action) but one open question is the kinds of acts, in addition to sabotage of aircraft which should be covered -- for example, acts directed against airports serving international civil aviation.

(iv) ICAO Council Special Meeting. Upon release of the President's message on September 11, we called for a special meeting of the ICAO Council for September 18. Preliminary discussion of an agenda identified the following items and U.S. positions:

(a) Concerted action to terminate air services with countries that refuse to extradite or punish hijackers whose acts constitute international black-mail by (1) Council resolution and/or (2) new conventions to be examined at Legal Committee meeting. Enlargement of the agenda of the Legal Committee meeting in London to include matters in addition to the "other acts" convention, e.g., strengthening of the hijacking convention, sanctions, etc.

(b) Acceleration of State's implementation of the security recommendations of the 1970 Extraordinary Assembly.

(c) Strengthening means for exchanging information and cooperation on surveillance techniques.

(d) Acceleration of the conference of governments on the hijacking convention.

(v) OAS Kidnapping Convention. Reports from the U.S. Representative at the Commission of Jurists indicate some sentiment by Latin countries to include hijacking in the acts of terrorism to be covered by the convention being drafted there. The effect of OAS action on the ICAO Convention and vice versa (inconsistencies) should be considered.

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